

## **Employee Input Meetings**

### **Frequently Asked Questions**

All recommendations are preliminary and final implementation will be made by legislation, executive order or regulatory promulgation. Therefore, the answers to the FAQs are also proposals and are subject to change dependent upon actual implementation.

# EMPLOYEE INPUT MEETINGS

## Frequently Asked Questions

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**TAB A**

**Recommendations 1 & 7**

**Political Discrimination**

## Recommendations 1 & 7

### Political Discrimination

- Q: Why not prohibit any and all recommendations from anyone on applications?
- A: Recommendations and references have always been part of the hiring process. Prohibiting employees from receiving recommendations would hurt employees and deprive supervisors of a useful tool for making hiring decisions. There are also First Amendment considerations.
- Q: I understand the “wrong-doers” were pardoned, but what about all the merit employees who were harmed by their actions? What redress do they have?
- A: The Personnel Board has the ability to address any alleged personnel violations.
- Q: How is the task force going to protect not only initial selection, but clearing probation with out political influence?
- A: The preliminary recommendations of the task force that address political influence would apply to both initial selection and probation.
- Q: In the task force minutes, why did a member inquire as to how many employees from each party work in state government?
- A: A statistical request was made to look at the percentage of employees by party affiliation in previous years. The statistical data would help the task force determine if there was abuse in the merit system based upon political affiliation.

**TAB B**

**Recommendation 2**

**HRIS System, Promotional & Career Ladders**

## **Recommendation 2**

### **HRIS System, Promotional & Career Ladders**

- Q: Will these changes include the ability to promote existing employees (as opposed to reclassifying) without being considered pre-selection?
- A: Under the new system an internal candidate will have the opportunity for growth through promotional tracks/career paths. With a promotional track/career path the agency will have the ability to promote without advertising. If the agency does not have a candidate for ready for promotion, it would then pull the internal mobility register, if no qualified candidate is found on the internal mobility register then the agency would pull a competitive register. Promotion candidates will still have to qualify for the position.
- Q: Is there any possibility of updating the exams? Many of the exams have little or nothing to do with the position an applicant is applying for.
- A: This is an area which has been under review for several months. We have found that some of the current tests do not ask questions which are relevant to the duties of the position. For example, the clerical tests do not ask any questions regarding computer skills.
- Q: Will the new system better streamline the process of being put on the register?
- A: The new system will allow the applicant to do many things by way of “self-service”. An applicant will be able to apply and update online. The new system will also allow the applicant to add themselves to registers (if qualified), add counties, etc. In addition, the applicant’s ability to test at remote tests sites will be more efficient. Currently an applicant testing at a remote test site, takes the test that test then must be brought back to Frankfort for scoring which takes a lot of time. The new system will allow the applicant to test at a remote site under a proctored setting and the test will immediately be scored and those scores electronically submitted.

**TAB C**

**Recommendations 3, 8, 20, 21, & 22**

**EEO**

**Recruitment of qualified veterans, minorities,  
women and disabled**

**Affirmative Action Plan**

**Update to statutes to  
permit an Affirmative Action Plan**

**Recommendation 3, 8, 20, 21, & 22**  
**EEO**  
**Recruitment of qualified veterans, minorities, women and disabled**  
**Affirmative Action Plan**  
**Update to statutes to permit an Affirmative Action Plan**

Q: What type of disparities is the study looking for and why?

A: To determine if the merit system adversely affects members of the protected classes. For example, the tests that are being used could favor men over women or non-minorities over minorities.

Q: Train who, managers, directors, all employees?

A: Training supervisors and managers to execute the EEO & Affirmative Action Plan. Information would also be made available to the employees.

Q: What would some of the statutory changes be in regards to increasing efforts for recruiting and hiring qualified veterans, minorities, women, and peoples with disabilities?

A: With respect to Veterans, the task force has endorsed a prefiled bill which strengthens the Veteran's preference significantly. Regarding individuals in protected classes, a disparity study will be conducted before any changes are suggested.

Q: Affirmative action is good but we need to hire qualified people for the jobs. Can a stronger Affirmative Action program be implemented without violating the rights of other qualified candidates?

A: It is the utmost goal to select the most qualified candidate. However, implementation of the affirmative action plan would enable the appointing authorities a means to recruit members of the protected classes. Those individuals still must prove to be the most qualified candidate for the position.



**TAB D**

**Recommendations 10 & 14**

**Grievance & Mediation**

## **Recommendations 10 & 14 Grievance & Mediation**

Q: Who would serve as a mediator?

A: KEMP's Mediator Pool consists of 12 part-time mediators and 1 full-time mediator who are employed by various state agencies. A mediator does not conduct mediations with his/her own agency in order to maintain neutrality. To participate in KEMP's Mediator Pool, employees with the approval of the agency appointing authority, must complete an application and submit letters of recommendation. Upon acceptance into the program, employees attend a 40 hour General Mediation Training and additional 1-day training on personnel issues. Subsequently, they must co-mediate with a certified mediator for 20 hours to become certified. Once they have met these requirements they are considered certified and able to mediate alone.

Q: Why have mediation?

A: It's fast, free, and confidential. Employees can be a part of the solution and everyone wins.

- 1) Mediation is quicker, less expensive, and less emotionally draining than going to the Personnel Board or court.
- 2) Problems can be resolved before they escalate; thereby, improving productivity, morale, and working relationships.
- 3) Individuals are in charge of their own cases. Mediators do not determine the outcome of cases. All settlement agreements must be acceptable to both parties, promoting a win-win (there is no winner and loser like there is when a third party makes a decision).

When conflicts are not resolved:

- 1) Employees may: exhibit passive-aggressive behavior, be absent from work more often, have more stress-related illness, waste time (their time and their co-workers time) complaining about the problem, resign, request a transfer, and incur legal costs if the case goes to court.
- 2) Agencies: lose productivity and incur cost associated with Personnel Board appeals and litigation.

Q: Will more full time mediators be hired?

A: This will be evaluated based upon the interest in the mediation program.

Q: Who chooses the group of peers?

A: We believe that the employees of the agencies would elect the peer review committee and these people would rotate on and off. There are other states that have peer review, and we would talk to those folks to find out what works well.

Q: Would the records of peer reviews or mediation be admissible in a Personnel Board Meeting?

A: The final agreement would be admissible if breached and appealed to the Personnel Board. All other items would be confidential.

**Recommendations 10 & 14**  
**Grievance & Mediation**

- Q: With the proposed change regarding mediation, will the timing of filing for appeal to the Personnel Board be extended?
- A: There are no recommendations to extend the time period for appeal. Mediation is very fast and should not affect the time period for appeal.

**TAB E**

**Recommendation 17**

**Drug Testing**

## **Recommendation 17**

### **Drug Testing**

- Q: Will current employees go through drug testing or just new hires?
- A: As proposed, there will be three types of drug testing. The first type of drug testing is known as post offer/pre-employment and is proposed for new applicants only. The second type is known as reasonable suspicion and is proposed for employees who are suspected of being under the influence of drugs or alcohol while in the workplace. Reasonable suspicion testing would also be proposed for employees who are involved in accidents in the workplace. The third type is random testing. Random testing will be a fairly limited form of testing for persons in elevated positions of trust, such as nurses, correctional officers, personnel with CDL licensees, etc.
- Q: What about employees taking medications? This medication might make a person seem under the influence however it is prescribed by a doctor. Will it be a violation of HIPPA to order them to take a drug test? Will it violate the employee's right of privacy concerning their health?
- A: The drug testing program will model the federal civil service program and would comply with all applicable laws. The individual being tested will be able to disclose any prescriptions which they are taking. The test will test for appropriate levels of prescription medication.
- Q: Who will be conducting the drug tests?
- A: The testing would be done by an outside laboratory.
- Q: Who will be able to request someone be drug or alcohol tested?
- A: It is proposed for the discretion of the appointing authority or delegate.

**TAB F**

**Recommendation 23**

**Classifications**

## **Recommendation 23**

### **Classifications**

- Q: Would compression of the classifications be done all at one time?
- A: The changes would be implemented over time as reducing the classifications is a long term project. All changes would have to be made carefully and smartly.
- Q: What difference does it make how many job classifications there are?
- A: The classification system is the foundation of the merit system. In order to eliminate some of the inequities we currently have in the system, we need a classification system which is strong, up to date, and efficient.
- Q: Job Security for a merit employee if job position is dissolved or eliminated; can they be demoted?
- A: While it is possible that through classification compression some job classes may be combined and therefore pay grades could be lower; however, the employee would not lose compensation.
- Q: What would happen to those employees within seldom used classifications, would anything new be created?
- A: Those classifications would be evaluated for compression into broader classifications.
- Q: Why should state government not keep the SPECIFIC job titles created to serve a specific need within the cabinet?
- A: Broad job classification titles could be used statewide; however, it would be important for each agency to create specific job descriptions within those classification titles for use with the specific jobs in their agencies.

**TAB G**

**Recommendation 24**

**Annual Increment, maximum salary, ACE/ERA**



**Recommendation 24**  
**Annual Increment, maximum salary, ACE/ERA**

Q: Who decides or evaluates ACE & ERA awards?

A: The appointing authority.

Q: Are the ACE and ERA Awards going to be done away with?

A: There has been no discussion to discontinue the ACE and ERA Award program.

Q: To what extent are ACE and ERA awards now being given; why do some agencies still use the ACE award and others don't?

A: ACE awards and ERAs are currently being given by various agencies. The utilization of these awards is purely an agency decision, one of the issues which dictates whether or not an agency decides to utilize this program is budget.

Q: If you are an employee who has maxed out, when they get a raise will they get a percentage or a lump sum?

A: Under this recommendation, an employee who has reached the maximum salary will receive a lump sum award.

Q: Please explain the rationale for a lump sum payment.

A: It is important to have maximum salaries in order to have pay equity and structure. However, senior employees are very important and deserve to be compensated for their loyalty and hard work. The lump sum payment is a way of rewarding the long time employee for his or her hard work and dedication.

Q: Would all annual increments be based on performance?

A: There has been discussion regarding "pay for performance", however the annual increment which is currently in the statute requires that all employees regardless of performance should receive a 5% increment. Whether the annual increment is provided to employees is a budget issue.

Q: Would there also be a cost of living adjustment attached?

A: Every year market surveys are done to see if salaries are still in line with the market. Based upon the survey, salaries are adjusted on an annual basis.

**TAB H**

**Recommendation 26**

**40 Hour Work Week**

## **Recommendation 26**

### **40 Hour Work Week**

- Q: If we got to a 40 hour work week, how can we make up our snow days?
- A: Employees on a 40 hour workweek would still be able to use adverse weather leave. They will need to make up the time during any week in which they took leave to cover a regularly scheduled absence (i.e., sick, annual or comp). Also, they would be able to make up time by working during any holiday.
- Q: Who makes the decision on an agency going to a 40 hour work week?
- A: The decision to go to a 40 hour work week is made by the appointing authority.
- Q: How will the 40-hour work week affect my current work schedule?
- A: Employees will be expected to work an additional 30 minutes each day, 2.5 hours per week. The appointing authority would determine work hours.
- Q: Will I be paid for the additional 2.5 hours a week?
- A: Yes, merit employees and certain non-merits who are non-exempt will receive a corresponding 6.67 percent salary adjustment for the additional work time.
- Q: How did the Cabinet arrive at 6.67 percent?
- A: The increase from 37.5 to 40 hours is a 6.67 percent increase in work time; therefore a corresponding 6.67 increase in pay has been adopted.
- Q: Will flex scheduling be allowed to accommodate daycare, carpooling, etc.?
- A: Employees who need to work a schedule other than Monday-Friday, 8 a.m.-5 p.m. should speak with their immediate supervisor. Every effort will be made to work with employees to avoid any unnecessary hardship. With the approval of their supervisor, employees may be allowed to work a flex schedule to accommodate their needs.
- Q: Will I still earn/use time based on the 7.5 hour work day?
- A: Under the 40 hour work week, leave time would be based upon a 40-hour work schedule. Sick leave will be earned in 8-hour increments and subtracted in 8-hour increments for a full day of sick leave. Full-time employees will earn 10 days (80 hours) of sick leave at 120 and 240 months of service. Annual leave will be earned as follows:
- 1-59 months of service: 8 hours annual leave per month
  - 60-119 months of service: 10 hours annual leave per month
  - 120-179 months of service: 12 hours annual leave per month
  - 180-239 months of service: 14 hours annual leave per month
  - 240+ months of service: 16 hours annual leave per month
- Q: If I transfer to another Cabinet to a position that is not on the 40-hour schedule, do I forfeit the 6.67 percent increase?

## **Recommendation 26**

### **40 Hour Work Week**

- A. Any compensation issues are at the discretion of the appointing authority. Typically, a transfer to another agency on a 37.5 hour work schedule will result in a change in line with the decreased work hour requirement.
- Q. How does this affect my overtime pay or 1.5 hour compensatory time?
- A. Any hours worked over 40 hours will be paid at the time-and-a-half rate or added to your accumulated comp. time at the time-and-a-half rate. There will no longer be the 2.5 hours for which an employee would earn hour-for-hour straight comp. time.
- Q. Will this change the sick leave conversion to months of service upon retirement?
- A. Yes, the revised chart is attached. If you plan to retire in the near future, please discuss this with your supervisor. An exemption may be considered for an employee to remain on a 37.5 hour a week schedule if the employee's Cabinet/Agency is notified in writing of his or her intention to retire prior to implementation.
- Q. If I'm already on a 40-hour work week schedule, how will this affect me? Will I see a salary increase?
- A. There will be no impact on employees who are currently on a 40-hour work week schedule. Because these employees are already compensated at a higher rate due to their schedule, they will not receive a 6.67 percent adjustment in pay.
- Q. If I want to retain my current 37.5 hour work schedule and forfeit the 6.67 percent salary adjustment, can I choose to do so?
- A. Whether employees have optional work weeks or not is the decision of the appointing authority.
- Q. Does the Cabinet possess the authority to make this change to employees' work schedules?
- A. Yes, current statutory authority exists under 101 KAR 2:095(2) and KRS 18A.005 (18).
- Q. Will all state government agencies eventually adopt this 40-hour work week schedule?
- A. No determination has been made at this point. If other appointing authorities move forward with a proposal that would demonstrate efficiencies, the request would be considered on a case-by-base basis.
- Q. Isn't this going to cost the state more money?
- A. Long-term savings would be realized in the reduced cost of benefits accomplished by employing fewer people, less space utilization, computer and other equipment costs, and costs related to training new employees.

**Recommendation 26**  
**40 Hour Work Week**

## Ky Retirement Systems

### Sick Leave Requirements by Hours and Days Worked

<u>7 ½ hr. day</u>	<u>8 hr. day</u>	<u>Months of Service Credit</u>	<u>Number of Days</u>
82.5 – 157.5	88 – 168	1	11 – 21
240.0 – 315.0	256 – 336	2	32 – 42
397.5 – 472.5	424 – 504	3	53 – 63
555.0 – 630.0	592 – 672	4	74 – 84
712.5 – 787.5	760 – 840	5	95 – 105
870.0 – 945.0	928 – 1008	6	116 – 126
1027.5 – 1102.5	1096 – 1176	7	137 – 147
1185.0 – 1260.0	1264 – 1344	8	158 – 168
1342.5 – 1417.5	1432 – 1512	9	179 – 189
1500.0 – 1575.0	1600 – 1680	10	200 – 210
1657.5 – 1732.5	1768 – 1848	11	221 – 231
1815.0 – 1890.0	1936 – 2016	12	242 – 252
1972.5 – 2047.5	2104 – 2184	13	263 – 273
2130.0 – 2205.0	2272 – 2352	14	284 – 294
2287.5 – 2362.5	2440 – 2520	15	305 – 315
2445.0 – 2520.0	2608 – 2688	16	326 – 336
2602.5 – 2677.5	2776 – 2856	17	347 – 357
2760.0 – 2835.0	2944 – 3024	18	368 – 378
2917.5 – 2992.5	3112 – 3192	19	389 – 399
3075.0 – 3150.0	3280 – 3360	20	410 – 420

**TAB I**

**Makeup and Process of Task Force  
Questions/Comments**

## **Makeup and Process of Task Force Questions/Comments**

- Q: Who will be involved in enacting these changes if recommendations are approved?
- A: The recommendations will require change by the legislature, the Governor, the agency, or a combination thereof.
- Q: How many merit employees are on the task force?
- A: There are two current merit employees. Additionally, there are two retired merit employees.
- Q: Task force member's information including names, addresses, and phone numbers should be provided to all state employees and statewide.
- A: Each task force member's name is included on the website.
- Q: Who picked the task force members?
- A: Governor Fletcher selected the members of the task force.
- Q: Can employees still submit information about issues or concerns that could or should be considered? If so, how? Can it be done anonymously?
- A: An employee can continue to submit questions, comments and suggestions by e-mailing [personnelmeritsuggestions@ky.gov](mailto:personnelmeritsuggestions@ky.gov) .
- Q: Discuss timelines for implementing some of these recommendations.
- A: Recommendations involving statutory changes will require legislative action and these recommendations could be presented in the next legislative session. Regulatory changes can be done immediately with an emergency regulation or in approximately 6 months for ordinary regulations. Executive and policy changes can be made immediately. Merit system reform is a long process which will need to be done carefully and smartly.

**TAB J**

**Miscellaneous Questions/Comment**



### **Miscellaneous Questions/Comments**

Q: What weight will my opinion and those of other state employees carry as far as the recommendations?

A: Employee opinions are very important to the task force and the Governor. We have made a record of all input meetings; including comments, questions, and recommendations which will be provided to the task force and to the Governor.

Q: Who makes up the Personnel Board?

A: The Personnel Board is composed of seven members. Five are appointed by the Governor and two are elected by state merit employees. Each member serves a four-year term, with the terms being staggered.

**TAB K**

**Employee Recommendations**

## **Employee Recommendations**

The addition of maximum salaries to pay grades should not apply to existing employees.

Consider Locality Pay.

Allow Overtime pay for hours worked over 8 hours in a given day. I.E. highway workers called in to clear roads work 12 hour shifts then forced to take a day off later in the week to eliminate OT for that week.

Create a uniformed orientation program for state employees.

Require Shift Pay.

Convert leave balances to week for week then convert back to hours for purposes of implementation of 40 hour work week.

Continue CPM Program.

Create specific legislation requiring Personnel Board final order which includes language advising the aggrieved party of their rights.

Experience gained outside of state government should be weighed equally with experience gained inside of state government.

Create a true incentive for “exceeding” evaluations by rewarding an entire week instead of just 2 days.

Job Classifications where you have a II and a III with the III having greater duties and responsibilities should have different pay rates.

Do not hire contractors in state offices and allow those contractors to serve in a supervisory capacity of the state employees.

Agencies are currently using several different timesheets and regulations regarding leave usage are interpreted differently. Those regulations need to be clearly defined. Will these issues be addressed? Consistency is needed statewide when employees transfer to different agencies they may or may not be allowed to use time like in their prior job. Leave may have been used incorrectly or even illegally.

Give hazardous duty pay to mental health care workers.

Give hazardous duty pay for state mine inspectors.

Give hazardous duty pay and benefits for all employees in the Transportation Cabinet that are in the field.

## **Employee Recommendations**

Give hazardous duty pay for all bridge inspectors, engineers across the state not Bridge Crew Members- but for the inspectors who are on the highway, pedway, and work over water and climb or rappel.

More pay for those with full four year degrees and master's degrees.

Create a training program for supervisors and managers.

Open the Frankfort testing center during the evening or on Saturday (monthly) to help those who aren't able to test due to work conflicts.